IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**WRIT PETITION NO : 7790 of 1994**

Between:

1. G.Vamana Rao

2. A.Krishna Murthy

3. T.Kistaiah

**..... PETITIONERS**

AND

1. The Chairman & Managing Director, Singareni Colieries co. Ltd., Hyd

2. The General Manager (Personnal) Singareni Collieries

Co.Ltd.Kothagudem,Khammam Dist.

3. Chief Geologist,Exploration Division Kothagudem, Khammam Dist.

4. G.Raja Goud

5. D.Lakshmaiah

6. Sk.Abdul Hameed

7. P.Bapi Raju

8. J.Janaki Rao

9. Rampassi

10. Thota Balaji

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus by duly declaring the order passed by the 2nd respondent vide Ref. No.P(PM)4/3398/1072, dated 11.4.1994 promoting the respondents 4 to 10 herein as Driller Grade B in Singareni Collieries co. Ltd without following any procedure of selection for promotion as illegal, arbitrary, violative of Art.14 of the Constitution of India and set aside the same and consequently direct the respondents 1 to 3 herein to consider the cases of all the candidates including the petitioners who are working as Sr.Rigman Grade C in exploration Division by adopting fair procedure for awarding promotion to the post of Driller Grade B.

**Counsel for the Petitioners:MR.V.RAVI KIRAN RAO**

**Counsel for the Respondent Nos. 1 to 3.: MR.K.SRINIVASAMURTHY**

**Counsel for the respondents 4 to 10: None appeared.**

**The Court made the following:**

**O R D E R:**

In this Writ Petition the petitioners are seeking promotions to the posts of Driller Grade-B on part with the respondents 4 to 10.

2. It is the case of the petitioners that they were denied the promotion unduly. Whereas, the respondents 4 to 10 were given promotions unreasonably. Therefore, they seek appropriate directions.

3. I am afraid that I cannot adjudicate the matter since it involved the question of fact in which evidence is necessary. The petitioners being covered by provisions of Industrial Disputes Act, it is always desirable for them to approach the Tribunal for appropriate relief. Under those circumstances, I am not inclined to dispose of the writ petition on merits.

4. Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioners to raise industrial dispute, if they so choose. No costs.

_____

G. BIKSHAPATHY,J

Dated:23.9.2004,

ccm

To:

1. The Chairman & Managing Director, Singareni Colieries co. Ltd., Hyd

2. The General Manager (Personnal) Singareni Collieries

Co.Ltd.Kothagudem,Khammam Dist.

3. Chief Geologist,Exploration Division Kothagudem, Khammam Dist.

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